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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/508,977

04/25/2005

Brian Maurice Parker

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EXAMINER

LE, MARK T

ART UNIT

PAPER NUMBER

3617

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/508,977	<b>Applicant(s)</b> PARKER ET AL.	
	<b>Examiner</b> MARK T. LE	<b>Art Unit</b> 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 5/22/08.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This communication is responsive to the amendments filed May 22, 2008.

Applicant's amendments and remarks have been carefully considered.

2. Claims 18-20, 22-23, 29, 38-40, 42 and 46-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Grop (US 4,023,503).

Grop discloses an apparatus having all the features as recited in the instant claims, including actuator or drive means 31 attached to body 10, load bearing wheels 41 engaging a top load bearing track that is formed by the top parts of longitudinal members 2,3, non-load bearing drive wheel 40 arranged to engage a stationary surface on the bottom track that is formed by the bottom parts of longitudinal members 2, 3, and drive coupling means 25 between actuator 31 and non-load bearing drive wheel 40, which are located on the same side of the top load bearing track.

Regarding the instant claimed stationary surface being distinct from the load bearing track, as recited in instant claims 18 and 29, note that such stationary surface of Grop as described above is readable as being distinct from the top load bearing track, as claimed.

Regarding the periphery of the drive wheel being made of a high friction material, as recited instant claims 20 and 40, , consider lines 45-50, column 2 of Grop; wherein, the use of friction material, such as rubber or the like, is suggested.

Regarding the instant claimed biasing means, as recited in instant claims 22, 23, 38, 42, consider in the structure of Grop, carriage 14 mounted to move around pivot 17,

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and spring 43 provided to urge the carriage towards the surface of elongated members 2,3.

Regarding the instant claimed manually operated crank, as recited in instant claims 46-47, note that element 26 of Grop is readable as a manually operated cranking wheel because it is capable of being used as such.

3. Claims 18-20, 22-25, 29, 38-40 and 42-44 are rejected under 35 U.S.C. 102(b) as being anticipated by British reference 2 122 960.

The British reference discloses an apparatus having all the features as recited in the instant claims, including actuator or drive means in the form of a motor attached shaft 4 mounted on body 1, load bearing friction wheels 3 arranged to engage a load bearing track that is formed by the horizontal flanges of channel structure 2, non-load bearing friction drive wheel 7 arranged to engage the vertical stationary surface of channel structure 2, and drive belt coupling means 13 between the actuator and non-load bearing drive wheel 7, which are located on the same side of track 2.

Regarding the instant claimed stationary surface being distinct from the load bearing track, as recited in instant claims 18 and 29, note that such stationary surface of the British reference is readable as being distinct from the load bearing track, as claimed.

Regarding the instant claimed drive wheel having a high friction, note that the word "high" is a relative term, and drive wheel 7 of the British reference is readable as having a high friction as claimed.

Regarding the instant claimed biasing means recited in instant claims 22-23, 38, and 42 consider carriage 6 and spring 12 of the British reference.

Regarding the instant claimed reduction gearing, recited in instant claims 24 and 43, consider associated gears of elements 5, 13 and 14 of the British reference.

4. Claims 21 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grop (US 4,023,503).

Grop is applied above.

Regarding the instant claimed friction material comprising polyurethane, note that Grop in lines 45-50, column 2, suggests the use of rubber or the like. Since the known polyurethane has the characteristics of rubber or similar to rubber, such as polyurethane rubber, it would have been obvious to one skilled in the art to use a material comprising polyurethane so as to achieve the expected advantages thereof, such as high friction and durability.

5. Claims 26-28, 36-37 and 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over British reference 2 122 960 in view of Quinn (US 4,417,524).

The British reference is applied above. It is noted that an electric motor is to be connected to shaft 4 for driving power. On the other hand, manual power is also a well known alternative to electric power. Note for example the manual operating mechanism shown in Figure 3 of Quinn, including hand crank wheel 58 provided for producing driving power. Therefore, it would have been obvious to one skilled in the art to alternatively use a manual mechanism, such as that similar to the manual driving

mechanism of Quinn, in the structure of the British reference so that drive mechanism can be used at places where electrical power is not readily available.

Regarding the instant claimed plurality of drive belts, i.e. first and second belts, and pulleys, as recited in instant claims 26 and 45, note that that the concept of using multiple drive belts and pulleys for transmitting driving power is well known. Note for example in Figure 3 of Quinn; wherein, two drive belts along with a plurality of associated pulleys are used. Therefore, it would have been obvious to one skilled in the art to selectively use a plurality of drive belts and pulleys in the structure of the British reference as to provide more flexibility in the arrangement of transmitting driving power to the drive wheel.

6. Claims 18 and 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schurch (US 3,698,326) in view of British reference 2 122 960.

Schurch discloses structure 20 that is readable as a cabinet attached to a drive mechanism for traveling along track 2. It is noted that the drive mechanism of Schurch is different from that of the instant claimed invention.

The British reference discloses a drive mechanism similar to that recited in the instant claims, including actuator or drive means in the form of a motor attached shaft 4 mounted on body 1, load bearing friction wheels 3 arranged to engage a load bearing track that is formed by the horizontal flanges of channel structure 2, non-load bearing friction drive wheel 7 arranged to engage the vertical stationary surface of channel structure 2, and drive belt coupling means 13 between the actuator and non-load bearing drive wheel 7, which are located on the same side of track 2.

In view of the British reference, it would have been obvious to one skilled in the art to alternatively transport cabinets, similar to that of Schurch, by using drive mechanisms, similar to that taught by the British reference, so as to achieve expected advantages thereof.

Regarding the instant claimed stationary surface being distinct from the load bearing track, as recited in instant claims 18 and 29, note that such stationary surface of the British reference described above is readable as being distinct from the load bearing track, as claimed.

7. The above grounds of rejection have been made to include responses to Applicant's arguments.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK T. LE whose telephone number is (571)272-

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6682. The examiner can normally be reached on Mon-Fri, between 8:15-4:45 (Teleworking).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Le/  
Primary Examiner  
Art Unit 3617

mle  
6/20/08